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**UNIFIED ZONING ORDINANCE AMENDMENT #73**  
**Special Exception for Large Wind Systems and Wind Farms**

**STAFF REPORT**  
**June 9, 2011**

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## Unified Zoning Ordinance Amendment #73 Special Exception for Large Wind Systems and Wind Farms

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Chapter 6-4-4(i)(1) of the Unified Zoning Ordinance currently states that a special exception granted for a specific use ceases to be authorized and void if that use is not established within 1 year of the date the special exception was granted. Typically, obtaining an Improvement Location Permit (ILP) sufficiently establishes the use. However, APC's legal counsel has given the opinion that "established," in terms of a wind farm, means more than simply obtaining an ILP for a wind tower or erecting the turbine. To establish the use for a WECS (Wind Energy Conversions System) special exception, at least one turbine must be producing power.

Invenergy, who is proposing a wind farm in the southwest part of the county, had asked the Ordinance Committee to consider changing this 1 year period to 3 years. One of the reasons is the need to micro-site each individual tower. Invenergy told the Committee that wind farms require a long lead time between grant of any discretionary permits (such as a special exception) and making an application for an ILP and WECS Construction Permit. Micro-siting would typically not be done until after a special exception is granted and involves conducting studies to gather geotechnical data which can take between 2 and 5 months and must happen before any engineering work can be done. Construction of the entire WECS can take 12 to 18 months after the ILP and construction permits are issued. Additional reasoning stems from today's lending environment which can be very reluctant to finance projects that have discretionary permits that may expire before construction is completed.

Many questions were raised and issues were debated at the March, April and May Ordinance Committee meetings. After lengthy discussion and significant public input, a compromise of a 2 year window in which to establish the use (one turbine must be constructed and producing energy) was reached and was sent on to the full Area Plan Commission for its consideration.

### **STAFF RECOMMENDATION:**

Approval

# ORDINANCE NO. \_\_\_\_\_

## AN ORDINANCE AMENDING CHAPTER 6 OF ORDINANCE NO. \_\_\_\_\_ BEING THE UNIFIED ZONING ORDINANCE OF TIPPECANOE COUNTY.

**Be it ordained** by the (County Commissioners of Tippecanoe County, Indiana; the Common Council of the City of Lafayette, Indiana; the Common Council of the City of West Lafayette, Indiana; the Town Council of the Town of Battle Ground, Indiana; the Town Council of the Town of Dayton, Indiana; and the Town Council of Clarks Hill, Indiana), that Ordinance No. \_\_\_\_\_, being the Unified Zoning Ordinance of Tippecanoe County is hereby amended as follows:

### **Section 1:** Change **UZO Section 6-4-4(i)** to read as follows:

- (i) A ***special exception*** granted for a specific ***use*** under 6-4-4-c or authorized by 6-4-4-g ceases to be authorized and is void:
  - (1) (A) if that ***use*** (for any ***use*** other than a ***wind farm***) is not established within 1 year of the date the ***special exception*** was granted; or
  - (B) if that ***use*** is a ***wind farm*** and is not established within 2 years of the date the ***special exception*** was granted; or
  - (2) if that ***use*** is discontinued at that site for a 1-year period during which time it is not succeeded by the same ***use*** specifically authorized as a ***special exception***; or
  - (3) if the ***use*** in SIC Group 10-14 is not established within 1 year of the date at which excavation is expected to have begun, as established by ***ABZA*** for the mining operation

This ordinance shall be in full force and effect from and after its passage.